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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,445	09/21/2005	Yasuhiko Oota	NGB-38803	4652
52054 7590 09/27/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER AFSHAR, KAMRAN	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			09/27/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/550,445	Applicant(s) OOTA ET AL.	
	Examiner <i>K. P.</i> Kamran Afshar, 571-272-7796	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/2005</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is in response to the Preliminary Amendment filed on 09/21/2005.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to **a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (U.S. 6,269,256 B1) in view of Yoshida (JP 2002232534 A).

With respect to claim 1, Nakamura discloses a foldable type portable communication terminal apparatus (See Nakamura e.g. foldable portable telephone, Co. 2, Lines 63-64), comprising: a hinge mechanism (See Nakamura e.g. 11, 20 of Figs. 2A, 2B), which couples an upper (See Nakamura e.g. 20a of Figs. 2A, 2B) side housing and a lower side housing (See Nakamura e.g. 20a of Figs. 2A, 2B) such that they can be opened and closed (See Nakamura e.g. 20a of Figs. 2A, 2B, Co. 3, Lines 32-35, Co. the portable telephone is folded (i.e. closed) or open, Co. 1, Line 63); a push button (See Nakamura e.g. 42, or 41, of Figs. 2A, 2B); light emission means (See Nakamura e.g. light emitting portion 1, Co. 3, Lines 36-37), which has the push button (See Nakamura e.g. 42, or 41, of Figs. 2A, 2B) lighted up at the

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time of light emission (See Nakamura e.g. light emitting portion 1 of flash (or to emit light) , to turn on, Co. 3, Lines 54-58); and control means (See Nakamura e.g. 3 of Fig. 1), which turns on the light emission means when the hinge mechanism is closed (See Nakamura e.g. light emitting portion 1 of flash (or to emit light), if the portable telephone set is folded (i.e. closed), Co. 3, Lines 41-42) at the time that there is an incoming call (See Nakamura e.g. Co. 3, Lines 54-58). However, Nakamura is silent as the a push button which opens the hinge mechanism when the push button is pushed. In an analogous field of endeavor, Yoshida in a different wording discloses a similar foldable telephone equipment (or set) and a hinge mechanism (See Yoshida e.g. Page 2, ¶ [0003], case 1, case 2 and a hinge 3 of Figs. 1-2,) and a push button (See Yoshida e.g. 37 of Fig. 3). Further, Yoshida disclose the push button, which opens the hinge mechanism when the push button is pushed (See Yoshida e.g. the push button at the hinge region and the open direction rotary machine style which rotates the case (i.e. case 1, or case 2 as shown in Figs. 1-2) to an open direction, Page 2, Lines 5-6 of ¶ [0006]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention Yoshida to Nakamura to provide above teaching of to provide a push button in a hinge region to for opening the to an angle which a user can immediately talk as suggested (See Yoshida e.g. Page 8, ¶ [0052], Page 9, Lines 4-6 of 2 [0059]).

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (U.S. 6,269,256 B1) in view of Yoshida (JP 2002232534 A) further in view of Kim (U.S. Patent 6,254, 249).

With respect to claim 2, Nakamura discloses a foldable type portable communication terminal apparatus (See Nakamura e.g. foldable portable telephone, Co. 2, Lines 63-64), comprising: a hinge mechanism (See Nakamura e.g. 11, 20 of Figs. 2A, 2B), which couples an upper (See Nakamura e.g. 20a of Figs. 2A, 2B) side housing and a lower side housing (See Nakamura e.g. 20a of Figs. 2A, 2B) such that they can be opened and closed (See Nakamura e.g. 20a of Figs. 2A, 2B, Co. 3, Lines 32-35, Co. the portable telephone is folded (i.e. closed) or open, Co. 1, Line 63); a push button (See Nakamura e.g. 42, or 41, of Figs. 2A, 2B), a first light emission means (See Nakamura e.g. light emitting portion 1, Co. 3, Lines 36-37); a talk key (See Nakamura e.g. start key 41, of Figs. 2A, 2B), which starts a talk when the talk key is depressed (See Nakamura e.g. detecting that the start key 41 is depressed, Co. 4, Lines 5-

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6) in case that the hinge mechanism (See Nakamura e.g. 11, 20 of Figs. 2A, 2B) is opened (See Nakamura e.g. detect light, from light emitting portion1, the portable telephone set is open, Co. 4, Lines 2-3); opening/closing detection means (See Nakamura e.g. 1, 2 of Figs. 2A, 2B, and Co. 4, Lines 1-2) and control means (See Nakamura e.g. 3 of Fig. 1), which turns on the first light emission means (See Nakamura e.g. light emitting portion1 o flash (or to emit light), if the portable telephone set is folded (i.e. closed), Co. 3, Lines 41-42). However, Nakamura is silent as the a push button which opens the hinge mechanism when the push button is depressed; the opening/closing detection means, which detects whether or not the upper side housing and the lower side housing are opened at a predetermined angle or more. In an analogous field of endeavor, Yoshida in a different wording discloses a similar foldable telephone equipment (or set) and a hinge mechanism (See Yoshida e.g. Page 2, ¶ [0003], case 1, case 2 and a hinge 3 of Figs. 1-2) and a push button (See Yoshida e.g. 37 of Fig. 3). Further, Yoshida discloses the a push button which opens the hinge mechanism when the push button is depressed (or pushed) (See Yoshida e.g. the push button at the hinge region and the open direction rotary machine style which rotates the case (i.e. case 1, or case 2 as shown in Figs. 1-2) to an open direction, Page 2, Lines 5-6 of ¶ [0006]) and the opening/closing detection means, which detects whether or not the upper side housing and the lower side housing are opened at a predetermined angle or more (See Yoshida e.g. the angle which is about 150 degrees, Page 8, Lines 1-3 of ¶ [0052], 37, 346, 373, Page 9, ¶ [0059], also see angle of 60 degrees, 180 degrees, Page 8, ¶ [0058], and Abstract of Page A) and control means (See Yoshida e.g. Control part 21, Line 1, of ¶ [0059]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Yoshida to Nakamura to provide a push button in a hinge region to for opening the upper case and the lower case to an angle which a user can immediately talk as suggested (See Yoshida e.g. Page 8, ¶ [0052], Page 9, Lines 4-6 of 2 [0059]). Both Yoshida to Nakamura do not expressly teach that the control means, which turns on the first light emission means and turns off the second light emission means when the opening/closing detection means detected a "closing" state at the time that there is an incoming call, and turns off the first light emission means and turns on the second light emission means when it detected an "opening" state. Further, In an analogous field of endeavor, Kim teach that the control means (See Kim e.g. 90 of Fig. 4),

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which turns on the first light emission means (See Kim e.g. 14 of Fig. 4) and turns off the second light emission means (See Kim e.g. 15 of Fig. 4) when the opening/closing detection means (See Kim 70 of Fig. 4) detected a "closing" state at the time that there is an incoming call, and turns off the first light emission means and turns on the second light emission means when it detected an "opening" state (See Kim e.g. the control unit, a signal for lighting on or off the first second illumination lamps 14 and 15, according to cover open / close detecting unit which detects the open / close state of the cover).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Kim to Yoshida and Nakamura to provide the cellular phone having a cover for opening and closing a key pad mounted thereon being coupled to the body via a hinge, wherein the cellular phone with lamps comprises an illuminating lamp for lighting the key pad, a cover open/close detecting unit for detecting whether the cover is opened or closed, a power supply unit for supplying a power to the illuminating lamp, and a control unit for supplying the power to the illuminating lamp to light on and off the illuminating lamp when it is discriminated by the cover open/close detecting unit that the cover is opened and / or making a more simplified cellular phone structure and reducing the thickness thereof as suggested (See Kim e.g. Co. 1, Lines 52-61, Co. 1, Lines 37-39).

Regarding claim 3, it is obvious that the control means (See Kim e.g. 90 of Fig. 4, Nakamura e.g. 3 of Fig. 1) turns on the first light emission means (See Kim e.g. 14 of Fig. 4) and turns off the second light emission means (See Kim e.g. 15 of Fig. 4) when the opening/closing detection means (See Kim 70 of Fig. 4) detected the "closing" state after it turned off the first light emission means and turned on the second light emission means (See Kim e.g. 15 of Fig. 4) since the opening/closing detection detected the "opening" state (See Kim e.g. the control unit, a signal for lighting on or off the first second illumination lamps 14 and 15, according to cover open / close detecting unit which detects the open / close state of the cover) at the time there is an incoming call (See Nakamura e.g. step 102 of Fig. 3) and before the talk key is depressed (See Kim e.g. button 16 of Fig. 4, Nakamura e.g. step 102, 111, 113, 114 of Fig. 3).

Regarding claim 4, it is obvious that the control means (See Yoshida e.g. Control part 21, Line 1, of ¶ [0059], Kim e.g. 90 of Fig. 4, Nakamura e.g. 3 of Fig. 1) starts a talk over the phone with the push

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button, which is lighted up (See Kim e.g. button 16 of Fig. 4, Co. 3, Lines 17-24, is depressed at the time that there was an incoming call (See Nakamura e.g. step 102 of Fig. 3) and the hinge mechanism was opened (See Yoshida e.g. Page 9, ¶ [0059]).

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura, Yoshida, Kim and further in view of Iwata (U.S. Patent 6,335,749 B1).

Regarding claims 5-6, Nakamura, Yoshida, Kim do not expressly teach that the control means starts a talk over the phone after it turns off the light emission means which is in a state of light emission before start of the talk, at the time that there was a talk instruction by use of a hand-free device or an ear phone device after it turned on the light emission means. However, Nakamura teaches the control means (See Nakamura e.g. control unit 3 of Figs. 1, 3) starts a talk over the phone after it turns off the light emission means (See Nakamura e.g. turn of light emitting part 1, Co. 4, Lines 16-21) which is in a state of light emission before start of the talk (See Nakamura e.g. steps of 102-104, 111-115 of Fig. 3) an ear phone device after it turned on the light emission means (See Nakamura e.g. loudspeaker of Fig. 4, Co. 3, Lines 10-13). In an analogous field of endeavor, Iwata discloses a mobile terminal (or phone) with an open / close switch detection which detects opened or closed mode or state of the mobile cover (See Iwata e.g. Fig. 59, and Co. 1, lines -53, also see, Co. 12, lines 45-48). Further, Iwata discloses that a talk instruction (See Iwata e.g. control unit instruct the voice signal switch changing path from microphone, hand-free condition (or operation), Co. 8, Lines 11-16, 22-30) by use of a hand-free device (See Iwata, e.g. when the opening of door 202 is detected during talk, the control is performed so as to be able to talk with hand-free, Co. 31, Lines 18-19) or an ear phone device (See Iwata e.g. When talking over the telephone in the door closed status, usually microphone 212 is placed close to the mouth and speaker is put in the ear, Co. 31, Lines 14-16). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Iwata to Kim, Yoshida and Nakamura to provide a control unit for controlling the microphone, the voice signal switch unit, the radio unit and the modem, and wherein the control unit may instruct the voice signal switch unit to temporarily shut a path from the microphone to the radio unit during talk to validate a path of communication to allow

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the user to halt the talk being conducted with hand-free condition, and then may resume the talk upon completion of the data transmission as suggested (See Iwata e.g. Co. 8, Lines 22-30).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a) Hamamura (U.S. Pub. No.: 2004/0072589 A1).
 - b) Shima (U.S. 6,839,101)

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Eng, George** can be reached @ (571) 272-3984. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamran Afshar